

III) REMARKS

This Amendment is filed in response to the Office action dated January 11, 2006.

The Examiner has suggested a new title, which has been adopted by the Applicant as indicated herein.

The Examiner has rejected claims 13 and 14 under 35 USC 112, first paragraph. Applicant respectfully disagrees with the Examiner's position but has cancelled claims 13 and 14 to obviate the rejection.

The Examiner has rejected claims 1, 2, 13, 14 and 17 under 35 USC 112, second paragraph, asserting that the term "that user" in step c of claim 1 has insufficient antecedent basis. The Applicant has amended independent claim 1 by deleting the reference to "that user", and has instead indicated that each user has a profile associated with the user, with the profile comprising parameters for the associated user that indicate at least one group to which the associated user belongs. Thus, user A would have profile A that is associated with user A, user B would have profile B that is associated with user B, etc.

In claim 17, the term "the emergency system" has been corrected to "the notification and response system".

The Examiner has rejected claims 1-3, 15-17 under 35 USC 102(e) as being anticipated by Bottan et al. Applicant has amended claim 1 to include the limitations of former claims 2 and 3 (now cancelled), and addresses the cited prior art reference with respect to amended claim 1 as follows. Claim 1 as amended recites a method of operating a notification and response system. Each of a multiplicity of persons is assigned a unique contact address, and some or all of those persons may become a user of the system by registering with the system. Each user has a profile that includes parameters associated with that user, indicating at least one group to which the associated user belongs.

A message is generated for broadcast transmission to a group of users. Associated with the message are a set of rules indicating which of the users should receive the message based on user parameters. The message is broadcast using the unique contact address of each user in the group. As indicated by the limitations of former claim 2 now included in amended claim 1, the unique contact address is used to access a user profile, which indicates a plurality of alternative contact modes for an associated user. At least one of the alternative contact modes is utilized to transmit the message to the associated user.

Furthermore, as indicated by the limitations of former claim 3 now included in amended claim 1, the user profile indicates when different alternative contact modes may be used at different times or days. For example, as clearly explained in the specification at page 6, line 22, through page 7, line 10:

A chart of forwarding hours is also provided, in which the user specifies the days and times that he wants calls to be forwarded to that location. Thus, for example, a user may enter location data for his work number, his cell number, and his home number as follows:

Work Location:	212-555-7465	M, T, W, Th, F	9AM-6PM
Cell Phone Location:	631-555-8747	M, T, W, Th, F	8AM-9AM
		M, T, W, Th, F	6PM-7PM
Home Phone Location:	516-555-1876	M, T, W, Th, F	12AM-8AM
		M, T, W, Th, F	7PM-12AM
		Sat, Sun	All day

When a caller dials the user's universal number, the call is forwarded by the service to the appropriate number above depending on the day of the week and the time of the day. This information may be modified by the user at anytime by accessing this web page, or by dialing into the system and stepping through a DTMF option menu as known in the art. By making this information accessible via any web connection or telephone, the user is provided with complete flexibility in controlling his call forwarding information.

Thus, the present invention as presently claimed in claim 1 (former claim 3) provides that different alternative contact modes (e.g. work number, cell phone number, home phone number) are to be used based on the particular day of the week and the time of day as indicated by the profile. In the example given, the user would be dialed at his work location from Monday through Friday between the hours of 9AM through 6PM, but he will be dialed on his cell phone for an hour before and after work (8AM through 9AM and 6PM through 7PM). He will be dialed at home for all other times, as indicated in the chart above.

In rejecting former claim 3 (which had the limitations now found in claim 1), the Examiner stated that “Bottan’s method also discloses transmitting message to the user at different times or days [Paragraph 0155].” The paragraph in Bottan cited by the Examiner merely states as follows:

A given event may further be required to occur within specific date and time limits, such as particular days of the week, particular times of the day, or only before or after a particular date or time. These time limits are set by the subscriber for each rule at 211.

This passage relied on by the Examiner in rejecting former claim 3 does not address the claim limitation from claim 3 (now found in claim 1).

First, the Examiner’s statement that Bottan (allegedly) discloses “transmitting message to the user at different times or days”, even if correct, would not anticipate former claim 3 (now claim 1) since former claim 3 set forth that the user profile indicates when *different alternative contact modes* may be used to contact the user *at different times or days*. As explained above, this clearly means that the method will use the particular contact mode (e.g. cell phone or home phone) to contact the user, based on the day and/or time that the message is being transmitted. This is not simply “transmitting message to the user at different times or days” as interpreted by the Examiner in the Office action. Rather, the claim limitation describes a situation wherein *the day of the week and/or time of day will determine which of several available contact modes will be used to transmit the message to the user*.

Furthermore, the passage relied on by the Examiner is not relevant to the invention as claimed. The passage at paragraph 0155 merely states that the *event in question – the one that triggers the message transmission* – may be specified to occur within certain day or time limits as set by the subscriber. This has nothing to do with using one of several available contact modes as determined by the day/time of the message transmission. The present invention is concerned with using the appropriate contact mode at a given day or time to make efficient contact with the user, rather than attempting to dial a number where the user is likely not present. For example, by referring to the profile for a given user, it can be determined that the user is at work and thus his work number should be used rather than his home number, etc.

The prior art reference cited by the Examiner does not contemplate using intelligence as in the presently claimed invention to determine which of several available contact modes should be used to contact the user based on the day of the week and/or time of day. In fact, the prior art teaches away from this type of intelligence and instead uses a simple pecking order that uses “less direct mechanisms” only if a “more direct method” is unsuccessful:

An email address, a telephone number, a fax number, or a mailing address may be specified for each recipient, and the notification may accordingly be sent by email, by telephoning a recorded voice message (or by a human operator calling the recipient and delivering the message conversationally), or by fax, or by mailing the notification. The subscriber may define one or more methods for each, with *less direct mechanisms being used only if a more direct method is unsuccessful*. For example, the subscriber may specify that, in the event of a medical emergency, *the subscriber's designated physician should be notified first by telephone, and if that fails by both facsimile transmission and by email*.

Bottan, page 7, par. 0159 (emphasis added). In this prior art system, the subscriber will always be attempted to be contacted via a primary method first (the telephone in the given example), and then by one or more secondary methods (facsimile and email in the given example) *if and only if* the primary attempt fails (e.g. the doctor doesn't answer his calls). One advantage to the Applicant's invention is that the user will be contacted immediately via the contact mode he has predetermined to be the likely place he will be

at a given day and time – e.g. at work, at home, traveling, etc. Since the invention is useful in an emergency situation, quick and immediate connection with the intended message recipient is of utmost importance. In the prior art system, the first method must fail before an alternative method is used. This could take additional minutes and provide catastrophic results (e.g. the medical emergency in the prior art example may lead to unnecessary death if the doctor is not reached by the primary means of the telephone). The present invention is a vast improvement on this prior art since the intended target user knows ahead of time where he may likely be at a given time on a given day and can program the system to act accordingly.

Thus, claim 1 as amended is patentable over the cited prior art for at least these reasons. Claims 4-12 and 15-25, which depend directly or indirectly from claim 1, are also patentable for at least these reasons.

Applicant thus submits that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree with the Applicants' position, a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of this application.

Respectfully submitted,
/arbarkume/

Date: July 11, 2006

Anthony R. Barkume
Reg. No. 33,831
Attorney for Applicant

20 Gateway Lane
Manorville, NY 11949
tel (631) 259-9099
fax (631) 980-7997
anthony@barkume.com